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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,427	12/12/2001	Harshal P. Bhagwatwar	U 013528-7	2278
140	7590	11/28/2007		
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER FUBARA, BLESSING M	
			ART UNIT 1618	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10023427	12/12/01	BHAGWATWAR ET AL.	U 013528-7

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NEW YORK, NY 10023

EXAMINER

Blessing M.. Fubara

ART UNIT	PAPER
1618	20071123

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. The timely submission under 37 CFR 1.129(a) filed on 09/11/2007 is not fully responsive to the prior Office action because claims 72 and 73 as amended on 09/11/07 deletes phrases from that filed 03/08/07 as show below:

03/08/2007:

72. (Currently amended) A drug delivery system comprising:

- a) a continuous hydrophobic gelled non-polymeric matrix, wherein the hydrophobic matrix is formed by gelling action of an emulsifier dissolved in an oily phase;
- b) a discontinuous phase comprising a polymer dissolved in a water soluble organic solvent and
- c) a therapeutic biologically active agent dispersed within the discontinuous phase; wherein no aqueous phase is present in said drug delivery system and said drug delivery system comprises ~~comprising non-preformed~~ microparticles.

73. (Previously presented) The drug delivery system of claim 72, wherein the microparticles are formed in-situ, when the discontinuous phase comes in contact with any aqueous medium.

09/11/2007:

72. (Currently amended) A drug delivery system comprising consisting of:
- a) a continuous hydrophobic gelled non-polymeric matrix, wherein the hydrophobic matrix is formed by gelling action of an emulsifier dissolved in an oily phase;
 - b) a discontinuous phase comprising consisting of a polymer dissolved in a water soluble organic solvent and
 - c) a biologically active agent dispersed within the discontinuous phase; no aqueous phase is present in said drug delivery system, and wherein said drug delivery system is in the form of gelled droplet in oil dispersion.

73. (Currently Amended) The drug delivery system of claim 72, wherein the gelled droplet in oil dispersion forms microparticles are formed in-situ, when the discontinuous phase comes in contact with any aqueous medium.

For example, for claim 72, "where" before "no" and "said drug delivery system comprises, non preformed microparticles" are missing.

Applicant is also requested to check the rest of the claims for proper status identifiers --- see claims 75, which should have had ---previously presented--- as the status identifier; see also claim 78 and 80.

2. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blessing M. Fubara whose telephone number is (571) 272-0594.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley, can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Blessing Fubara
Patent Examiner
Tech. Center 1600

